



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/921,677	08/03/2001	Lee P. Noehring	211139.90107	8166
29906 7590 08/24/2007 INGRASSIA FISHER & LORENZ, P.C. 7150 E. CAMELBACK, STE. 325 SCOTTSDALE, AZ 85251			EXAMINER THAI, HANH B	
			ART UNIT 2163	PAPER NUMBER
			MAIL DATE 08/24/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Application Number: 09/921,677
Filing Date: August 03, 2001
Appellant(s): NOEHRING ET AL.

MAILED
AUG 24 2007
Technology Center 2100

Jack J. Jankovitz
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed May 25, 2007 appealing from the Office action mailed May 19, 2006.

Art Unit: 2163

(1) Real Party in Interest

A statement identifying by name the real party in interest is contained in the brief.

(2) Related Appeals and Interferences

The examiner is not aware of any related appeals, interferences, or judicial proceedings which will directly affect or be directly affected by or have a bearing on the Board's decision in the pending appeal.

(3) Status of Claims

The statement of the status of claims contained in the brief is correct.

(4) Status of Amendments After Final

The appellant's statement of the status of amendments after non-final rejection contained in the brief is correct.

(5) Summary of Claimed Subject Matter

The summary of claimed subject matter contained in the brief is correct.

(6) Grounds of Rejection to be Reviewed on Appeal

The appellant's statement of the grounds of rejection to be reviewed on appeal is correct.

(7) Claims Appendix

The copy of the appealed claims contained in the Appendix to the brief is correct.

(8) Evidence Relied Upon

5,948,080	BAKER	9-1999
US Pub. 2003/0126233 A1	Bryers et al.	7-2003
US Pub. 2002/0002618 A1	Vange	1-2002

(9) Grounds of Rejection

Art Unit: 2163

The following ground(s) of rejection are applicable to the appealed claims:

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 10-14, 16-17 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryers et al. (US Pub. 2003/0126233 A1) of record in view of Vange (US Pub. 2002/0002618 A1) of record.

Regarding claims 10 and 35, Bryers discloses in a system having multiple security channels, a method of modifying an entry in a security association database, the method associated with each channel comprising:

- requesting access to a predetermined address location in the security association database ([0286]-[0287], Bryers);
- a weight value for priority level of the security channels ([0178]-[0183] and [0581]-[0588], Bryers discloses a weight value of the packet's priority);
- retrieving the security association data structure from the predetermined address location ([0194]; [0195] and [0198], Bryers discloses the retrieving the security association information from the stage 380-1);
- modifying the retrieved security association data structure ([0194] and [0195], Bryers discloses that the retrieved security association will be updated would reads on "modifying the retrieved security association"); and

Art Unit: 2163

- writing the modified security association data structure to the predetermined address location in the security association database ([0195]; [0289]; [0291]; [0298]; [0322] and [0409], Bryers).

Bryers, however, does not explicitly disclose assigning a weight value to the request.

Vange discloses system and method for prioritizing data traffic over a shared bandwidth connection including assigning a priority value to the request (abstract; summary and ¶ [0037]-[0039], Vange). Therefore, it would have been obvious to one of ordinary skill in the art to apply the priority of Vange into the security access structure of Bryers in order to grant access to a higher priority channel.

Regarding claim 11, Bryers/Vange combination discloses the method of claim 10, wherein the step of requesting access comprises setting a request bit in a control register ([0346] and [0544], Bryers).

Regarding claim 12, Bryers/Vange combination discloses the method of claim 10, wherein the security association data structure is retrieved in response to setting a grant bit in the control register ([0346] and [0544], Bryers).

Regarding claim 13, Bryers/Vange combination discloses the method of claim 10, wherein the step of writing the modified security association data structure to the predetermined address location comprises: writing the modified security association data structure of to a write buffer prior to writing it to the predetermined address location; and writing the modified security association data structure to the predetermined address from the write the buffer ([0195]; [0289]; [0291]; [0298]; [0322] and [0409], Bryers).

Art Unit: 2163

Regarding claim 14, Bryers/Vange combination discloses the method of claim 13, wherein the step of requesting access comprises setting a request bit in a control register, and wherein the method further comprises: resetting the request bit prior to writing the modified security association data structure to the predetermined address location from the write buffer ([0584]-[0591], Bryers).

Regarding claim 16, Bryers/Vange combination discloses the method of claim 10, further comprising: storing the retrieved security association data structure in a local memory; and modifying the retrieved security association data structure ([0194]; [0198]; [0201] and [0204], Bryers).

Regarding claim 17, Bryers/Vange combination discloses the method of claim 10, further comprising: storing the predetermined address location of the retrieved security association data structure in a register ([0378] and [0380], Bryers).

Claims 15 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bryers et al. (US Pub. 2003/0126233 A1) of record in view of Vange (US Pub. 2002/0002618 A1) of record and further in view of Baker (US 5,948,080) of record.

Regarding claim 15, Bryers/Vange combination discloses all of the claimed limitations as discussed above, except the step of determining whether the write buffer is busy prior to writing the modified security association data structure thereto. Baker discloses a method for assigning communication channel number to a received data packet including the step of checking the data packet status and when valid status is available or busy (col.26, line 23 to col. 27, line 44, Baker). It would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the combination system of Bryers and Thacker to include the claimed feature as

Art Unit: 2163

taught by Baker. The motivation of doing so would have been to provide a fast, efficient and practical way to prioritize the data packets in the security channel (col.3, lines 32-35, Baker).

Regarding claim 18, Bryers discloses in a system having multiple security channels, a method of modifying an entry in a security association database, the method associated with each channel comprising:

- requesting access to a predetermined address location in the security association database ([0286]-[0287], Bryers);
- a weight value for priority level of the security channels ([0178]-[0183] and [0581]-[0588], Bryers discloses a weight value of the packet's priority);
- retrieving the security association data structure from the predetermined address location ([0194]; [0195] and [0198], Bryers discloses the retrieving the security association information from the stage 380-1);
- modifying the retrieved security association data structure ([0194] and [0195], Bryers discloses that the retrieved security association will be updated would reads on "modifying the retrieved security association");
- writing the modified security association data structure to the write buffer; and writing the modified security association data structure to the predetermined address location in the security association database from the write buffer ([0195]; [0289]; [0291]; [0298]; [0322] and [0409], Bryers).

Bryers, however, does not explicitly disclose assigning a weight value to the request. Vange discloses system and method for prioritizing data traffic over a shared bandwidth connection including assigning a priority value to the request (abstract; summary and ¶ [0037]-

Art Unit: 2163

[0039], Vange). Therefore, it would have been obvious to one of ordinary skill in the art to apply the priority of Vange into the security access structure of Bryers in order to grant access to a higher priority channel.

Bryers/Vange combination does not disclose the step of determining whether a write buffer is busy or when it is not busy.

Baker discloses a method for assigning communication channel number to a received data packet including the step of checking the data packet status and when valid status is available or busy (col.26, line 23 to col. 27, line 44, Baker). It would have been obvious to one of ordinary skill in the art at the time of invention was made to modify the combination system of Bryers and Vange to include the claimed feature as taught by Baker. The motivation of doing so would have been to provide a fast, efficient and practical way to prioritize the data packets in the security channel (col.3, lines 32-35, Baker).

(10) Response to Argument

I. Examiner's response to Appellant's argument I: Claims 10-14, 16, 17 and 35 are not unpatentable under 35 U.S.C § 103(a) over Bryers et al. and Vange.

Appellant argues, "it is clear that Bryers et al. and Vange fail to disclose, or even remotely suggest, both individually and in combination, at least the above-noted feature of independent claims 10, 18 and 35. Namely, these references fail to disclose or suggest at least assigning a weight value to the request based on a sequential order of the request relative to access requests to the predetermined address location made by other of the security channels." Appellant's 5/25/07 Brief, page 6).

Art Unit: 2163

The examiner respectfully disagrees.

The art of record Bryers and Vange combined set forth the very concept of the claimed invention despite appellant's disagreement. In short, by assigning proper weight value to the access level shown in Vange, it enables corresponding rate of data communication. Basically, a higher priority of access level of security would be granted a faster level of data communication. This is the very concept claimed.

Bryers clearly discloses requesting access to a predetermined address location in the security association database ([0286]-[0287], Bryers); a weight value for priority level of the security channels ([0178]-[0183] and [0581]-[0588], Bryers discloses a weight value of the packet's priority); retrieving the security association data structure from the predetermined address location ([0194]; [0195] and [0198], Bryers discloses the retrieving the security association information from the stage 380-1);

In the related art, Vange discloses a system and a method for prioritizing data traffic over a shared bandwidth connection including assigning a priority value to the request based on the requesting priority (abstract; summary and [0037]-[0039], Vange). Further more, Vange discloses the shared bandwidth amongst a plurality of users on a first-in first-out basis (§[0007] and [0037]-[0039], Vange), which corresponds to "a first-come, first-serve" as described in the specification §[0011], and thus the Vange's teaching reads on the claimed "sequential order of the request relative to access requests" limitation. Therefore, the combination of Bryers and Vange disclose the claimed of "assigning a weight value to the request based on a sequential order of the request relative to access requests to the predetermined address location made by other of the security channels".

Art Unit: 2163

II. Examiner's response to Appellant's argument II: Claims 15 and 18 are not unpatentable under 35 U.S.C § 103(a) over Bryers et al., Vange and Baker.

Appellant relies on his earlier argument that the combination of Bryers et al. and Vange would not have been obvious in challenging this further combination in view of Baker. Hence, because the Appellant does not further distinguish the claimed invention over the Bryers et al., Vange and Baker combination, the examiner reiterates her response provided above and incorporates it by references.

(11) Related Proceeding(s) Appendix

No decision rendered by a court or the Board is identified by the examiner in the Related Appeals and Interferences section of this examiner's answer.

For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,

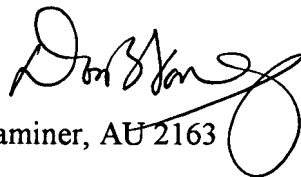
Hanh Thai 

August 6, 2007

Conferees:

Don Wong

Supervisory Patent Examiner, AU 2163



Tim Vo

Supervisory Patent Examiner, AU 2168



TIM VO
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100